

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FI-37PCT

Applicant(s) : Günther Beisel  
Serial No. : 10/070,673  
Int. Filed : September 5, 2000  
For : COMPOSITION FOR STIMULATING INTESTINAL  
ACTIVITY AND PROCESS FOR ITS PREPARATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements dated May 8, 2002 applicant submits herewith a duly executed declaration.

A check in the amount of \$ 65.00 is enclosed.

Should any additional fee be required, the Commissioner is authorized to charge such fee, or credit any overpayment, to Deposit Account No. 11-1835

As required, a copy of the Notification of Missing Requirements is attached.

06/10/2002 HKAYPAGH 00000125 10070673

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65.00 DP

#5  
CBurt

Since all the missing requirements have now been supplied, it is submitted that the application is now complete and in form for examination. Accordingly, such examination and prompt allowance are earnestly solicited.

Respectfully submitted,

*F. Kueffner*

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Friedrich Kueffner  
Reg. No. 29,482

FK:ml  
May 14, 2002  
317 Madison Avenue  
New York, NY 10017  
(212) 986-3114

Encls:

Copy of Notification of Missing Requirements;  
Executed Declaration;  
Check for \$ 65.00.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on May 14, 2002.

*F. Kueffner*

May 14, 2002

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Friedrich Kueffner



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,673	Gunther Beisel	FI-37PCT

Friedrich Kueffner  
 317 Madison Avenue  
 Suite 910  
 New York, NY 10017

**RECEIVED**  
 MAY 13 2002

FRIEDRICH KUEFFNER

INTERNATIONAL APPLICATION NO.	
PCT/EP00/08647	
I.A. FILING DATE	PRIORITY DATE
09/05/2000	09/06/1999

CONFIRMATION NO. 9183  
 371 FORMALITIES LETTER



\*OC000000008043656\*

Date Mailed: 05/08/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,673	PCT/EP00/08647	FI-37PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)

#5

Docket No. : **FI-37PCT**  
U.S. Application No. : **10/070,673**  
International Application No. : **PCT/EP00/08647**  
International Filing Date. : **September 5, 2000**  
Priority Dates Claimed : **September 6, 1999**  
Title of Invention : **COMPOSITION FOR STIMULATING INTESTINAL ACTIVITY AND  
PROCESS FOR ITS PREPARATION**  
Applicant(s) for (DO/EO/US) : **Günther Beisel**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. \_\_\_ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. X This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. \_\_\_ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C 371(b) and PCT Articles 22 and 39(1).
4. \_\_\_ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. \_\_\_ A copy of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a) \_\_\_ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) \_\_\_ has been transmitted by the international Bureau.
  - c) \_\_\_ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. \_\_\_ A translation of the International Application into English [35 U.S.C.371(c)(2)].
7. \_\_\_ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C.371(c)(3)].
  - a) \_\_\_ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) \_\_\_ have been transmitted by the International Bureau.
  - c) \_\_\_ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d) \_\_\_ have not been made and will not be made.
8. \_\_\_ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C.371(c)(3)].
9. \_\_\_ An oath or declaration of the inventor(s) [35 U.S.C.371(c)(4)].
10. \_\_\_ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C.371(c)(5)].

Items 11. to 16. below concern other document(s) or information included:

11. \_\_\_ An Information Disclosure Statement under 37 C.F.R. 1.97 and 198.
12. \_\_\_ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. \_\_\_ A **FIRST** preliminary amendment.  
\_\_\_ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. \_\_\_ A substitute specification.
15. \_\_\_ A change of power of attorney and/or address letter.
16. X (other items or information) **INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class mail under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

May 22, 2002



Friedrich Kueffner

17. The following fees are submitted:

**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:**

- ☐ Search Report has been prepared by the EPO or JPO..... \$ 890.00
- ☐ International preliminary examination fee paid to USPTO [37 CFR 1.482]:..... \$ 710.00
- ☐ No International preliminary examination fee paid to USPTO [37 CFR 1.482]  
but International search fee paid to USPTO [37CFR 1.445(a)(2)]:..... \$ 740.00
- ☐ Neither International preliminary examination fee [37 CFR 1.482] nor  
International search fee [37 CFR 1.445(a)(2)] paid to USPTO:..... \$ 1040.00
- ☐ International preliminary examination fee paid to USPTO [37 CFR 1.482]  
and all claims satisfied provisions of PCT Article 33 (2) to (4):..... \$ 100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT:** \$

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(e)]

Claims	filed	Extra	Rate
Total Claims	16	-20=	x \$ 18.=
Indep. Claims	1	- 3=	x \$ 84.=
Multiple Dependent Claims (if applicable) + \$ 280.=			

**TOTAL OF ABOVE CALCULATIONS:** \$

Reduction by  $\frac{1}{2}$  for filing by small entity, if applicable. Verified Small Entity  
Statement must be filed also. [Note 37 CFR 1.9, 1.27, 1.28]

(divided by 2)

**SUBTOTAL:** \$

Processing fee of \$ 130.00 for furnishing the English translation later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(f)]

**TOTAL NATIONAL FEE:** \$

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be  
accompanied by an appropriate cover sheet [37 CFR 3.28, 3.31]. \$ 40.00 per property

**TOTAL FEES ENCLOSED:** \$

**AMOUNT TO BE REFUNDED:** Refunded \$

**AMOUNT TO BE CHARGED:** Charged \$

- a) ☐ A check in the amount of \$ to cover the above fees is enclosed.
- b) ☐ Please charge my Deposit Account No. 11-1835 in the amount of \$ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c) ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 11-1835. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must  
be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Friedrich Kueffner  
317 Madison Avenue  
Suite 910  
New York, NY 10017

Friedrich Kueffner  
Name

signature

29,482  
Reg. No.

May 22, 2002  
Date